



**RE: In-trench treatment for Trench 31 and 34**

**Conaway, Kathy (ECY)** to: Dave Bartus

01/19/2012 10:32 AM

Cc: "Biebesheimer, Joannette (ECY)", Adam Baron, Jack Boller

Oh Boy and good write-up except I feel that Jane should have been cc because this is an issue that has gone around for over a year now! NWP needs to make a decision (right or wrong) on this issue and put something in writing for staff. As compliance, we need to know and I would hope that we are included in the discussion, at least to hear what Ron is saying. When I was a permit writer, I recall you and I meeting with Linda Peterson and Tony Mishco on in trench treatment for these trenches asking us then if they could do it and we said NO. This was 2 or more years ago. How can one believe that NWP project manager and section manager does not know the regs on LDR? What does the fact sheet for this unit say about this? What facts and justification did the Permittee provide to NWP that we have reviewed and determined that we support and can provide the public our reasons we support it during the public comment period? Another example that an EPA formal letter should have been sent months ago.

-----Original Message-----

From: Dave Bartus [mailto:Bartus.Dave@epamail.epa.gov]

Sent: Wednesday, January 18, 2012 7:00 PM

To: Skinnarland, Ron (ECY)

Cc: Andrew Boyd; Rick Albright; Adam Baron; Boller, Jack

Subject: In-trench treatment for Trench 31 and 34

Ron:

I was taking a brief look at the SharePoint-posted permit conditions for Trench 31 and 34 this evening, and have identified a very significant show-stopper for EPA. The specific issue is the so-called "in trench treatment," which is a provision under which wastes subject to LDR treatment standards are placed in a disposal unit prior to meeting LDR treatment standards, with treatment being conducted following placement of untreated waste in the disposal unit. In particular, I note the following permit condition:

The Permittees are authorized to treat mixed waste at 218-W-5 (Trenches 31 & 34) via macroencapsulation [40 CFR 268 Table 1 for Hazardous Debris and MACRO in 40 CFR 268.42] to meet LDR requirements of WAC 173-303-140, incorporated by reference, and in accordance with the description in Addendum C.

As I'm sure you are aware, this issue has been discussed numerous times with you and your staff, including written comments provided to Debora Singleton. I expect that you are also aware that this is a significant issue that was examined by NEIC inspectors in March of last year. EPA's consistent written and verbal input to you and your staff has been that the practice of in-trench treatment does not reflect compliance with Ecology's authorized program requirements, which clearly state that waste must satisfy LDR treatment standards prior to placement in a land disposal unit.

I would like to schedule a meeting with you and anyone else that you feel appropriate to resolve this issue. My intention is to provide RCR-format comments on this chapter of the permit, but I feel that it is important to "tee up" this issue as soon as possible, given the issue's lengthy history.

I would like to be true our discussions today to have informal discussions with the Nuclear Waste Program prior to formal written communications at a management level, but given the lengthy history of this issue, and the numerous instances where EPA has clearly stated that this practice is not consistent with Ecology's authorized program, my feeling is that we are very near, if not past, the point where a formal written communication may be warranted. I'm hoping we can reach a documented agreement on how to resolve this issue next week.

Dave